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Title:	AN ORDINANCE relating to code revisions and additions necessary to provide furlough replacement time to King County employees who are not represented by labor organizations and who observed furlough days; and amending Ordinance 16339, Section 17, as amended, and K.C.C. 3.12F.010 and Ordinance 16339, Section 20, as amended, and K.C.C. 3.12F.040.		
Sponsors:	Larry Gossett, Jane Hague, Kathy Lambert		
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Code sections:	3.12F.010 -, 3.12F.040 - .		
Attachments:	1. 16788.pdf, 2. 2010-0101 Transmittal Letter.doc, 3. 2010-0101 Fiscal Note.doc, 4. 2010-0101 Staff Report Non-rep Furlough Replacement Leave COW ws, 5. 16788 Amendment package 3-29-10.pdf		

Date	Ver.	Action By	Action	Result
3/29/2010	1	Metropolitan King County Council	Passed as Amended	Pass
3/10/2010	1	Committee of the Whole	Passed Out of Committee Without a Recommendation	Pass
2/16/2010	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to code revisions and additions necessary to provide furlough replacement time to King County employees who are not represented by labor organizations and who observed furlough days; and amending Ordinance 16339, Section 17, as amended, and K.C.C. 3.12F.010 and Ordinance 16339, Section 20, as amended, and K.C.C. 3.12F.040.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. The county experienced an unprecedented financial emergency resulting in a significant shortfall in the amount of funding needed to sustain the current level of general operations through 2009. One method of addressing the shortfall was the implementation of an unpaid furlough for nonessential employees, also known as the 2009 emergency budget furlough.

B. Nonrepresented furloughed employees observed up to ten furlough days in 2009. Represented furloughed employees also observed up to ten furlough days in 2009 and, those represented employees subject to the Memorandum of Agreement between the King County Coalition of Unions and King County Addressing the 2009 Budget Crisis Regarding Furlough Days were provided furlough replacement time.

C. In order to also provide furlough replacement time to nonrepresented furloughed employees, certain code revisions are necessary.

SECTION 2. Ordinance 16735, Section 16, and K.C.C. 3.12F.010 are each hereby amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Budgetary furlough" has the same meaning as found in K.C.C. 3.12.010.

B. "Emergency budget crisis" or "financial emergency" means a circumstance in which projected county revenues are determined to be insufficient to fully fund county agency operations and significant cost savings must be achieved through reductions in service and pay.

C. "Furlough day" has the same meaning as found in K.C.C. 3.12.010.

D. "Furloughed employee" has the same meaning as found in K.C.C. 3.12.010.

E. "Furlough administrator" means: the county executive for the executive departments; the chair of the council for the legislative branch; the prosecutor for the office of the prosecuting attorney; the presiding judge of the district and superior courts, the sheriff for the ~~((department of public safety))~~ sheriff's office; the assessor for the department of assessments; the director of elections for the department of elections; the chair of the forecast council for the office of economic and financial analysis; or the official or officials designated by that branch of unit of county government.

F. "Furlough replacement time" means leave time that benefit-eligible nonrepresented furloughed employees receive which is an amount equivalent to the time that they were furloughed in 2009.

G. "Salaried employee" means an employee whose position is normally exempt from wage and hours regulations.

SECTION 3. Ordinance 16735, Section 19 and K.C.C. 3.12F.040 are each hereby amended to read as follows:

A.1. When a furlough administrator other than the executive has determined that a budgetary furlough is necessary, the furlough administrator shall designate a person to administer the budgetary furlough and to provide for the effective direction, control and coordination of a budgetary furlough in a manner to preserve county functions.

2. The county administrative officer shall be responsible for budgetary furlough administration in the executive branch and shall provide for the effective direction, control and coordination of a budgetary furlough in a manner to preserve county functions.

B. In order to achieve budget savings, a furlough administrator may: implement a budgetary furlough for designated nonrepresented employees, and implement reductions in operating and office hours, closure of offices or departments or reductions in levels of operations or service. A furlough administrator shall seek and document the views of affected nonrepresented employees when determining whether and how to implement a budgetary furlough.

C. If a furlough administrator directs reductions in operating and office hours, closures of offices or departments or reductions in levels or service that result in budgetary furloughs for represented employees, the executive shall fulfill all applicable bargaining obligations with labor unions representing the employees in those departments before the implementation of a furlough.

D. In administering a budgetary furlough, the following principles should apply:

1. An employee who is furloughed should be notified of furlough in writing when possible, although any reasonable notice is permissible;

2. During a furlough period, a furloughed employee remains a King County employee subject to

K.C.C. chapter 3.04;

3. A furloughed employee shall not volunteer to do what the county otherwise pays any employee to do;

4. Medical, dental, vision and any other insured benefits shall remain in effect for a furloughed benefit-eligible employee during a furlough period;

5. A furloughed employee shall not be eligible to take or be paid for vacation or sick leave on an budgetary furlough day. The furlough administrator may designate that paid vacation leave is available for the following employees:

a. those employees earning equal or less than two times the federal poverty index; and

b. those employees enrolled in the Public Employees' Retirement System or the city of Seattle retirement systems who submit to the chief administrative officer or the furlough administrator a letter of intent to retire during the succeeding two calendar years; and

6. A salaried employee is considered an hourly employee for each week in which the employee observes one or more furlough days and must track and report his or her hours and follow standard hourly work practices.

E. Benefit-eligible nonrepresented employees furloughed in 2009 will receive the equivalent of the time on furlough in furlough replacement time. In administering furlough replacement time for benefit-eligible nonrepresented employees, the following principles apply:

1. Furlough replacement time may not be provided to employees when the county is in an officially declared and council-sanctioned emergency budget crisis;

2. One half of the furlough replacement time will be awarded in the first year following an emergency budget crises and one half of the furlough replacement time will be awarded in the second year following an emergency budget crisis, unless the county is in an officially declared and council sanctioned financial emergency;

3. Furlough replacement time must be used by the employee in the year that it is issued to the employee. An employee who was not employed by King County in 2009 shall not receive furlough replacement time. An employee who left King County employment before the effective date of this ordinance shall not receive furlough replacement time. Furlough replacement time may not be carried over to another calendar year, it may not be cashed out, it has no cash value and it may not be donated; and

4. The furlough administrator must provide for the effective direction, control and coordination of furlough replacement time.

SECTION 4. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.